

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 QUINELLA SMITH,

CASE NO. 14-CV-0005 W (DHB)

12 v. Plaintiffs,

13 14 MIDLAND CREDIT
MANAGEMENT, INC.,

ORDER GRANTING
PLAINTIFF'S COUNSEL'S
MOTION TO WITHDRAW AS
ATTORNEY OF RECORD
[DOC. 8]

15 16 17 Defendant.

18 Attorney Christopher J. Wrabel and the Law Offices of Chris Wrabel
19 (collectively "Wrabel") have filed a motion to withdraw as attorney of record for
20 Plaintiff Quinella Smith [Doc. 8]. There has been no opposition filed.

21 "The grant or denial of an attorney's motion to withdraw in a civil case is a
22 matter addressed to the discretion of the trial court . . ." Washington v. Sherwin Real
Estate, Inc., 694 F.2d 1081, 1087 (7th Cir. 1982). Factors considered in evaluating the
23 motion are "1) the reasons why withdrawal is sought; 2) the prejudice withdrawal may
24 cause to other litigants; 3) the harm withdrawal might cause to the administration of
25 justice; and 4) the degree to which withdrawal will delay the resolution of the case."
CE Resource, Inc. v Magellan Group, LLC, 2009 WL 3367489, at *2 (E.D.Cal. 2009)

1 (citing Canandaigua Wine Co., Inc. V. Moldauer, 2009 WL 89141, at *1 (E.D.Cal.
 2 Jan.14, 2009)).

3 Wrabel cites two reasons for withdrawing from the case. First, he has been
 4 unable to get a hold of his client and “does not know what the client would like to do
 5 with the case going forward.” (*P&A* [Doc. 8-1], 2:1–2; *Wrabel Dec.* [Doc. 8-2], ¶ 3.)
 6 Second, Wrabel has not been paid for work beyond filing the case. (*Wrabel Dec.*, ¶ 2.)

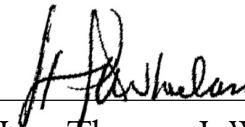
7 California Rule of Professional Conduct 3-700(B)(d) provides that an attorney
 8 may seek withdrawal where the client’s conduct “renders it unreasonably difficult for
 9 the member to carry out the employment effectively.” Here, the client’s failure to
 10 respond to Wrabel’s attempt to contact her renders it unreasonably difficult for Wrabel
 11 to carry out his representation of her in this lawsuit. Additionally, the client’s failure
 12 to pay his fees and expenses is sufficient ground to justify withdrawal. See, CA ST RPC
 13 Rule 3-700(B)(f).

14 Additionally, there is nothing in the record suggesting that Wrabel’s withdrawal
 15 will prejudice the litigants in this matter, will harm the administration of justice or
 16 unduly delay the resolution of this case. Wrabel has attempted to notify his client of
 17 the motion to withdraw. (*Wrabel Dec.*, ¶ 4.) The motion was also served on Defendant
 18 on April 8, 2014. (*Cert. of Service* [Doc. 10].) However, to date, neither the client nor
 19 Defendant has filed an opposition to Wrabel’s motion. Finally, given that this case was
 20 filed recently, a pre-trial conference has not yet been scheduled, and there is significant
 21 time left to conduct discovery.

22 For all these reasons, the Court **GRANTS** the motion [Doc. 8].

23 **IT IS SO ORDERED.**

24
 25 DATED: May 14, 2014



Hon. Thomas J. Whelan
 United States District Judge

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